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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20070314

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Dear Sir:

The reply brief filed 5/23/2006 (paper 5/26/2006) has been entered and considered. A response to the reply brief 5/23/2006 is attached for Appellant's file record. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

Attachment: "Supplemental Examiner's Answer" (4 pages).

A handwritten signature in black ink, appearing to read "Vy Q. Bui".

Vy Q. Bui
Primary Examiner
Art Unit: 3734



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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/546,966
Filing Date: April 11, 2000
Appellant(s): POLLOCK, DAVID T.

John V. Hanley
For Appellant

SUPPLEMENTAL EXAMINER'S ANSWER

This is in response to the "Reply to Examiner's Answer" filed 5/23/2006 by the
Applicants arguing the "Examiner's Answer" mailed 3/23/2006.

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Response to Argument filed 5/23/2006 (Section III. Argument, paper 5/26/2006):

A. Group I: Claims 1-3, 5, 7-10, 36 and 37:

As to claims 1-3, 5, 7-10, the claims do not specify or clearly define a longitudinal member and only require that "a pair of longitudinal members each having a circumferential width, wherein the radial thickness is greater than the circumferential width". Therefore, strut 10 including section 23 together can be considered as "a longitudinal member", or even section 23 can be considered as "a longitudinal member" as well. Referring to reproduced Fig. 5 of Drasler-6,245,101, the structural limitations as recited in the claims are identified below:

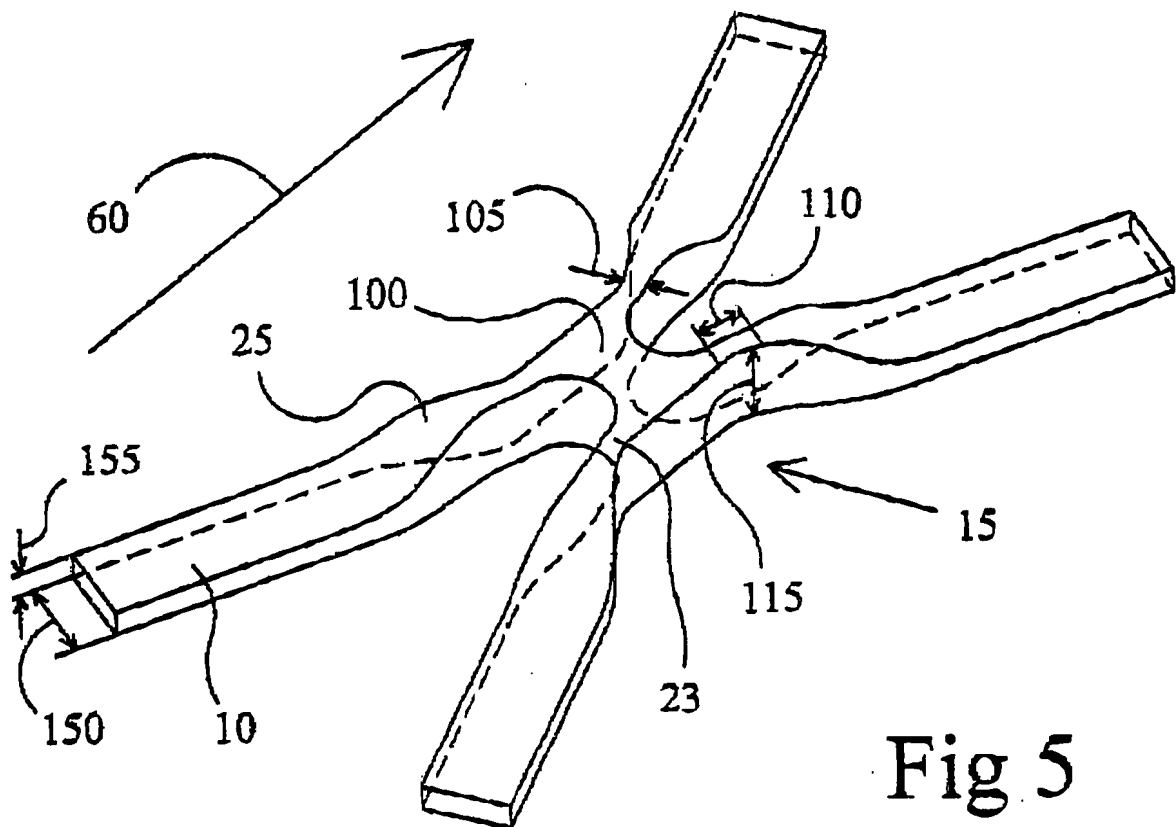


Fig 5

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As to claim 36, the claim only requires "the longitudinal member extending a length of one cell ...". The claim does not require "the longitudinal member extending the whole length of one cell".

Notice that the term "profile" can be interpreted as referring to a side view or cross sectional image of an object. As to claim 37, one can recognize that the profiles or side views or cross sectional areas of hinge 23 and strut 10 are both **substantially rectangular** and therefore their profiles **are not different** in that sense. Alternatively, one can modify a hinge and a longitudinal strut having the profiles not different from each other as this configuration would modify the flexibility of the hinge section as one desires.

B. Group II: Claims 17, 20, 22, 23 and 39:

As to claims 17, 20, 22, 23 and 39, the same reasoning is applicable as indicated in the above section A.

C. Group III: Claims 17, 20, 22, 23 and 39:

Basically, the same reasoning is applicable as indicated in the above section A.

Further, as mentioned in the "Examiner's Answer", all longitudinal members or struts of Drasler-'101 stent must be curved through out their lengths because they define a cylindrical surface (circularly curved surface) of the stent.

Lastly, as mentioned in the "Examiner's Answer" before and in above section A, claim 36 does not require the longitudinal members extending "a whole length" of one cell, therefore, even one hinge section 23 of Drasler-'101 can be considered as a longitudinal member recited in claim 1.

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The reasons for rejection are previously presented and substantially repeated in the present "Office Action".

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Vy Q Bui

Primary Examiner

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